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DEPARTMENT OF CORRECTION
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January 12, 2015

Federal Communications Commission
Attn: Marlene H. Dortch, Secretary
445 12th Street SW
Room TW-1325
Washington, DC 20554

Re: Comments for *Rates for Interstate Inmate Calling Services* WC Docket No. 12-375

Secretary Dortch,

The Tennessee Department of Correction (TDOC) hereby submits these Comments in response to the Federal Communications Commission's (Commission) Second Further Notice of Proposed Rulemaking (Second FNPRM) WC Docket No. 12-375.

Comment relative to *Costs Incurred by Correctional Facilities*:

TDOC agrees with the Commission's initiative to ensure fair and equitable calling rates for all inmates; however, Inmate Calling Services (ICS) are complex and comprised of many components other than calling rates. Through ICS, TDOC is also responsible for creating a safe environment for the inmates, staff and more importantly the general public with ICS security and safety tools. Operational activities associated with the ICS include: enrolling inmates, administering free TDD and PREA calls, researching inmate grievances, monitoring call recordings, live monitoring of calls, providing copies of call recordings to outside law enforcement agencies, blocking telephone numbers for security issues, entry and management of allowed calling lists, security alerts, administering inmate prepaid calling card and debit purchases as well as refunds, reporting, investigative analysis, etc. These services are required to be administered by the Correctional Facilities in addition to and with the collaboration of the ICS provider but Correctional Facilities incur costs which are significant for the provisioning of ICS.

The TDOC consists of 14 state prisons located across the state of Tennessee. TDOC is investing the time and effort necessary to identify and quantify its operational costs relative to the provisioning of the ICS at its state prisons. TDOC has over 45 employees conducting over 2,800 hours of work each month for a projected monthly cost of around \$111,000.00 and a projected total annual cost of over \$1,300,000.00. To calculate its ICS related costs at the per-minute level, TDOC identified an average of 4,326,722 monthly minutes of use which, when divided into the monthly cost amount, equates to a projected per-minute cost of \$0.03.

TDOC recovers much of its ICS related costs through commission shared with its ICS provider through the generation of revenue. Should the Commission eliminate commissions, TDOC does not have a

method in place to recover its costs. Therefore, inmate access to ICS may be restricted and result in less communication with friends and family. This would defeat the Commission's objectives to increase communication between inmates and their friends and family members.

Comment relative to Restrictions on Payments to Correctional Facilities:

The commissions TDOC earns from revenues generated from the ICS are placed into the State's General Fund. A portion of the State's General Fund is used to offset TDOC's required costs to house inmates, administer the ICS, as well as to provide free inmate programs such as inmate education, drug and alcohol treatment, behavioral treatment, life skills, faith-based programs, library services, fitness equipment, release readiness programs, etc. TDOC is dedicated to providing treatment and educational opportunities in all of its facilities. Prohibiting site commissions earned from the revenues generated from the ICS would jeopardize the types of inmate programs TDOC will be able to provide inmates in the future. The Commission can accomplish its objectives in lowering the calling rates at all Correctional Facilities without affecting site commission payments and allowing ICS providers to increase their financial gain.

Comment relative to Legal Authority and Differentiating ICS from Public Payphones:

The Commission references Sections 201(b) and 276(b)(1)(A) of the Telecommunications Act as providing authority for the Commission to restrict site commissions to Correctional Facilities as well as regulate intrastate ICS calling rates. The referenced sections refer to promoting competition amongst payphone service providers, establishing a per call compensation plan, discontinuing carrier access charges to allow Independent Payphone Providers to have the same negotiation rights as Bell Operating Companies, and to provide location providers the right to negotiate and contract with the payphone service providers. ICS installed at the correctional facilities are not payphones. ICS should not be categorized along with payphones due to the fact that inmate telephones do not accept any change/coins and process all calls through a sophisticated and intelligent call processing platform. Payphones do not have all of the capabilities as the ICS and do not warrant all of the indispensable security protocols as necessary for inmate telephones in correctional facilities.

Furthermore, telephone calls originating and terminating within the state of Tennessee should not fall under interstate regulations, as interstate calls cross state lines. Intrastate calls have historically fallen under the regulatory authority of the states and their Public Utilities Commission or Public Services Commission. We respectfully request that the Commission not infringe upon the states' authority to determine how intrastate calling rates and commissions should be regulated.

Conclusion:

The Commission's objectives to ensure fair and reasonable calling rates is admirable and in alignment with the goals and standards of TDOC, however, TDOC respectfully requests the Commission to consider the impact of eliminating site commission payments as it will have a negative outcome for all of the inmate welfare programs currently being provided as well as the security for the Correctional Facilities' inmates, staff and general public.

We appreciate the opportunity to submit comments and the Commissions' time taken to review for consideration. Please do not hesitate to call me with any questions. I may be reached at 615-253-8141.

Respectfully submitted,



Wesley O. Landers
Chief Financial Officer